

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

BRIAN K. ADKINS, )  
                         ) Case No. 3:16-CV-80  
*Plaintiff,*       )  
                         ) Judge Travis R. McDonough  
v.                    )  
                         ) Magistrate Judge H. Bruce Guyton  
CAROLYN W. COLVIN, Commissioner of )  
the Social Security Administration,   )  
                         )  
*Defendant.*       )

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**ORDER**

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On June 27, 2016, Magistrate Judge H. Bruce Guyton entered a report and recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court dismiss this action without prejudice for failure to prosecute based upon Plaintiff’s failure to effectuate service upon Defendant. (Doc. 5.) Neither party has filed any objections to Magistrate Judge Guyton’s R&R.<sup>1</sup> Nevertheless, the Court has conducted a review of the R&R, as well as the record, and it agrees with Magistrate Judge Guyton’s well-reasoned conclusions. Accordingly, the Court will **ACCEPT** and **ADOPT** the Magistrate Judge Guyton’s R&R, and will **DISMISS** this case **WITHOUT PREJUDICE** for failure to prosecute.

**SO ORDERED.**

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<sup>1</sup> In the R&R, Magistrate Judge Guyton specifically advised Plaintiff that he had fourteen days to object to the R&R and that failure to do so would waive her right to appeal. (Doc. 5, at 3); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired

*/s/ Travis R. McDonough*

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**TRAVIS R. MCDONOUGH**

**UNITED STATES DISTRICT JUDGE**